

IN THE HIGH COURT OF BOMBAY AT GOA

**MISCELLANEOUS CIVIL APPLICATION NO.266 OF 2005
IN FIRST APPEAL NO. 36 OF 2002**

1. Shri Krishna Govlind Gawas,
major, agriculturist,
r/o H. No.12, Zarme, Valpoi,
Satari, Goa,
2. Smt. Radhika @ Yamuna K.
Gawas, w/o Krishna Gawas,
housewife, major, House No.12,
Zarme, Valpoi, Satari, Goa,

Applicants

IN

Oriental Insurance Co. Ltd.,
Gouvia Chambers, 3rd
Floor, Helidoro Salgado
Road, Panaji, Goa.

... Appellant

Versus

1. Shri Krishna Govlind Gawas,
major, agriculturist,
r/o H. No.12, Zarme, Valpoi,
Satari, Goa,
2. Smt. Radhika @ Yamuna K.
Gawas, w/o Krishna Gawas,
housewife, major, House No.12,
Zarme, Valpoi, Satari, Goa,
3. Shri Dinanath Narayan Usapkar,
s/o Narayan Usapkar, major,
driver, r/o Pilgao, Bicholim,
Goa,
4. Shri Shaik Muna Shaik
Minawar, major, bus- owner,
H.No.61, Nanus, Valpoi, Goa, and

5. Shri Krishna Ram Gawas,
major, businessman, Zarme,
Sattari, Goa.

...Respondents.

Mr. R. N. Naik, advocate for the applicants/original respondents no.1
and 2.

Mr. E. Afonso, for the original appellant.

CORAM : A. P. LAVANDE, J.

DATE : 27th April, 2005.

ORAL ORDER

This application has been filed by the respondents no. 1
and 2 in First Appeal No. 36 of 2002, who were the original claimants in
Claim Petition No.70/97 before the Motor Accident Claims Tribunal at
Mapusa.

2. Respondent nos. 1 and 2 pray that they may be
allowed to withdraw the amount of Rs.1,65,000/- alongwith accrued
interest thereon in terms of the compromise filed before the Lok Adalat
on 17th April, 2004. Mr. Afonso, learned counsel appearing for the
appellants has no objection if respondents no.1 and 2 are permitted to
withdraw the amount of Rs.1,65,000/- alongwith interest accrued
thereon. It is not necessary to issue notice to respondent nos.3, 4 and 5
since they are not adversely affected by the order that is being passed.

3. In view of the above, the application is allowed.

The amount of Rs.1,65,000/- alongwith the interest accrued thereon is ordered to be paid to respondent nos. 1 and 2 in equal shares. The balance amount with accrued interest thereon is ordered to be paid to the appellant, Oriental Insurance Co. Ltd.

4. The application stands disposed of.

A. P. LAVANDE, J.

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